

"TRS" shall mean Telecommunications Relay Service.

"USAC" shall mean Universal Service Administrative Company.

**Inquiries: Documents and Information to be Provided**

1. State whether any of the Companies has discontinued long distance service in any State. If so:
  - a. identify which of the Companies discontinued long distance service;
  - b. provide the name of the State(s) involved;
  - c. provide the date on which the applicable Company discontinued long distance service; and
  - d. for each State in which any of the Companies has discontinued long distance service, state whether the discontinuance was authorized by this Commission and/or the applicable public utility commission of the State(s) involved. If so, provide all documents reflecting such authorization from this Commission and/or the applicable public utility commission of the State(s).
2. State whether each of the Companies has made its federal universal service contributions by the due date specified on each invoice sent to it by USAC. If not:
  - a. identify each of the Companies that failed to make its federal universal service contributions;
  - b. provide the applicable invoice(s);
  - c. state the amount and date of any contribution the applicable Company paid toward each invoice; and
  - d. explain why the applicable Company failed to make each federal universal service contribution.
3. State whether each of the Companies has made its TRS contributions by the due date specified on each invoice sent to it by the TRS Administrator. If not:
  - a. identify each of the Companies that failed to make its TRS contributions;
  - b. provide the applicable invoice(s);
  - c. state the amount and date of any contribution the applicable Company paid toward each invoice; and
  - d. explain why the applicable Company failed to make each TRS contribution.

4. State whether each of the Companies completely paid all TRS contributions that were past-due as of the date of the Consent Decree. If not:
  - a. identify each of the Companies that failed to make its past-due TRS contributions;
  - b. state the amount that the applicable Company has not paid; and
  - c. explain why the applicable Company failed to make its past-due TRS contributions.
5. State whether the Companies have completed paying past-due federal universal service charges in twenty-four monthly installments of \$35,298.75 as set forth in Paragraph 14(i) of the Consent Decree. If not:
  - a. state the month(s) and year(s) in which the Companies failed to make a payment of at least \$35,298.75;
  - b. state the balance outstanding on the past-due federal universal service contributions; and
  - c. explain why the Companies failed to make each monthly payment.
6. State whether the Companies have paid at least \$10,700 to the U.S. Treasury by the 15<sup>th</sup> day of each month, toward a voluntary contribution of \$510,000, as set forth in Paragraph 15 of the Consent Decree. If not:
  - a. state the month(s) and year(s) in which the Companies failed to make a payment of at least \$10,700;
  - b. state the balance outstanding on the voluntary contribution; and
  - c. explain why the Companies failed to make each monthly payment.
7. State whether the Companies have established a Sales Representative Code of Conduct ("Code") that conforms to the Consent Decree. If so:
  - a. identify and provide a copy of each version of the Code;
  - b. identify and provide copies of all forms and documents presented to sales representatives for acknowledgement and signature relating to the Code;
  - c. identify the individual(s) responsible for developing and drafting the Code, and for ensuring that new and existing sales representatives have viewed and acknowledged, by means of signature, the Code; and
  - d. provide documents sufficient to show that the Companies cause sales representatives to reaffirm, semi-annually, that they have reviewed and understand the Code.
8. State whether the Companies have established any written policies concerning the national 'Do Not Call' list. With respect to such policies, and the internal practices of the Companies:

- a. identify and provide a copy of each version of all policies and provide a listing of the employee groups to which such policies were distributed;
  - b. identify and provide copies of all internal lists maintained by the Companies that contain the names of consumers directing the Companies to refrain from further contact or solicitation efforts.
9. In the Companies' third Compliance Report, dated July 10, 2006, submitted in accordance with Paragraph 14(o) of the Consent Decree, the Companies list in Attachment Two nine complaints from customers based on alleged misleading statements from Companies' sales representatives. Provide copies of the third party verification tapes related to these nine complaints. Identify the third party verifier for each of the nine customer complaints listed, including the physical location of the third party verification service employees. For each third party verifier used, provide the following:
  - a. all contracts between any and all of the Companies and the third party verifier(s);
  - b. all scripts used by the third party verifier in performing services for any and all of the Companies;
  - c. all documents reflecting instructions or guidance provided by any and all of the Companies to the third party verifier(s) regarding performance of third party verification services;
  - d. all documents reflecting attempts by any and all of the Companies to ensure that the third party verification services are being performed on the Company's or Companies' behalf in accordance with applicable rules and regulations; and
  - e. verification that the third party verifier(s) are not located in the same building as any of the Companies.
10. The Commission received the ten attached complaints between September and December of 2006. For each complaint, provide all information specified in Paragraph 14(o) of the Consent Decree. Specifically, identify the third party verifier used, including the physical location of the third party verification service employees. For each third party verifier used, provide the information requested in Questions 8(a) through (e) above.
11. For each complaint received by the Companies from the time period May 1, 2006 to the present, provide all the information specified in Paragraph 14(o) of the Consent Decree. For each of the complaints, identify the third party verifier used, including the physical location of the third party verification service employees. For each third party verifier used, provide the information requested in Questions 8(a) through (e) above.

12. Provide all scripts used by Sales Representatives since the Effective Date of the Consent Decree, as that date is defined in the Consent Decree, for the marketing or sale of long distance telephone services.
13. Explain how the Companies' Sales Representatives, as defined in the Consent Decree, determine whom to contact for the purpose of soliciting potential customers for long distance telephone service. With regard to potential solicitations:
  - a. identify and provide all documents constituting or relating to criteria for selecting potential customers to contact, including calling lists used by Sales Representatives.
  - b. state whether the Companies target their sales efforts to individuals of any particular group including, but not limited to, age or membership in particular organizations and provide all documents discussing such targeting efforts.
14. Identify all external agents, parties, businesses, or individuals (hereafter "external parties") engaged by the Companies to market or sell long distance services to consumers on behalf of the Companies. To the extent that the Companies utilize external parties to market or sell long distance services to consumers on behalf of the Companies:
  - a. identify and provide all agreements, contracts, or memoranda of understanding between the Companies and such external parties for the marketing or sale of long distance services;
  - b. identify and provide all scripts used by such external parties since the Effective Date of the Consent Decree, as that date is defined in the Consent Decree, for the marketing or sale of long distance telephone services.
15. Provide copies of all bill inserts, promotional documents, and any and all other marketing materials, including messages printed directly on customer invoices, that the Companies have distributed to customers and/or potential customers that reference, promote, or otherwise relate to the Companies' long distance telephone service(s).

**Instructions for Filing Responses**

We direct the Company to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Company with personal knowledge of the representations provided in the Company's response, verifying the truth and accuracy of the information therein and that all of the information and/or documents requested by this letter which are in the Company's possession, custody, control or knowledge have been produced. If multiple Company employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer

of the Company noted above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with section 1.16 of the Commission's rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein.

To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment. *See* 18 U.S.C. § 1001; *see also* 47 C.F.R. § 1.17. Failure to respond appropriately to this letter of inquiry may constitute a violation of the Communications Act or our rules.<sup>2</sup>

The Company shall direct its response, if sent by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002, to the attention of Brian Hendricks, Esq., Investigations and Hearings Division, Enforcement Bureau, Room 4-A327, with a copy to Eric J. Bash, Esq., Investigations and Hearings Division, Enforcement Bureau, Room 4-A460, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Brian Hendricks, Esq., Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 4-A327, Washington, D.C. 20554, with a copy to Eric J. Bash, Esq., Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 4-A460, Washington, D.C. 20554. The Company shall also transmit a copy of the response via email to [brian.hendricks@fcc.gov](mailto:brian.hendricks@fcc.gov) and to [eric.bash@fcc.gov](mailto:eric.bash@fcc.gov).

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<sup>2</sup> *See SBC Communications, Inc.*, Order of Forfeiture, 17 FCC Rcd 7589 (2002); *Globcom Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893, n. 36 (2003) (subsequent history omitted); *World Communications Satellite Systems, Inc.*, Forfeiture Order, 19 FCC Rcd 2718 (Enf. Bur. 2004); *Donald W. Kaminski, Jr.*, Order of Forfeiture, 18 FCC Rcd 26065 (Enf. Bur. 2003).

Keanan Kintzel  
Business Options, Inc.  
Page 9 of 9

Direct any questions regarding this investigation to Brian Hendricks, Esq. at 202-418-1336.

Sincerely,

A handwritten signature in black ink, appearing to read "T. B. Harkrader", with a horizontal line extending to the left.

Trent B. Harkrader  
Deputy Chief  
Investigations and Hearings Division  
Enforcement Bureau

## ATTACHMENT C

January 17, 2007

Brian Hendricks, Esq.  
Investigations and Hearings Division  
Federal Communications Commission  
Brian.Hendricks@fcc.gov  
445 12<sup>th</sup> Street S.W. Room 4-A327  
Washington D.C. 20554

Cc: Eric J. Bash, Esq.  
Investigations and Hearings Division, Enforcement Bureau  
Federal Communications Commission  
Eric.bash@fcc.gov  
445 12<sup>th</sup> Street, S.W. Room 4-A460  
Washington, D.C. 20554

Dear Mr. Hendricks,

Per our telephone conversation, you extended our response date to January 20, 2007. This response is emailed today, January 17, 2007, with an original being mailed first class.

Below are my responses to your inquiries from your December 20, 2006 letter. Neither Business Options, Inc. nor Buzz Telecom, Corporation is in business and generating income that could pay for legal representation. Without legal council, I have responded to the best of my ability.

**Inquiry #1**

Business Options, Inc. and Buzz Telecom, Corporation (collectively hereafter known as "BOS") resold Qwest long distance services, primarily to residential customers. I received a notice via email on November 11, 2006 stating that the Qwest November invoice could now be viewed on-line. The actual invoice came several days later. Per the BOS contract with Qwest, the payment terms were net 10, thus the due date should have been November 21. On November 20<sup>th</sup>, Qwest sent another email late in the day giving a one day notice for payment or accounts would be suspended the following day.

To my knowledge, we had never even been thirty days late and we needed about a week as our billing was sent out late. I attempted to resolve the situation with Qwest, but to no avail. Qwest shut off nearly 28,000 BOS customers over the next 7 days.

So to generally answer your inquiry #1, BOS did discontinue service to its customers as a result of the psychotic actions by Qwest. 28,000 customers lost their long distance service and BOS was out of business within 17 days from the date the invoice was made available on-line. I'm sure this has never been done in the history of telecom, let alone any other business sector. We did discontinue service to every customer in every state we were providing services to; however, we did not do so intentionally and did not want to go out of business.



After the customers were shut off and Qwest customer service telephone lines lit up, Qwest proceeded to have another of their resellers contact BOS to get the disconnected customers some immediate help. Qwest proceeded to turn the customers service back on, but not under the BOS reseller account. I conveyed the company trade names and toll free number to the other Qwest reseller who began servicing the previous BOS customers. Additionally, there is another Buzz Telecom out of Canada.

If you see the name Business Options or Buzz Telecom arise from any sales call, service issue, or billing situation after November 2006, please know that it is not affiliated with me, Business Options, Inc. an Illinois corporation or Buzz Telecom, Corporation a Nevada corporation. BOS has not marketed to new customers since September 2006 or serviced or billed any customers since November 2006.

1a) Buzz Telecom, Corporation and Business Options, Inc. have both discontinued providing long distance service.

1b) The states in which BOS had no customers are: Alaska, Arizona, Connecticut, Hawaii, Maine, Utah, and Vermont. BOS had customers in every other state.

1c) BOS service was discontinued between November 18<sup>th</sup> and November 30<sup>th</sup> 2006 to all existing customers.

1d) Because BOS had no intention of discontinuing long distance service to its customers, BOS had not requested authorization to discontinue service from the FCC or any state, thus no permission was granted.

2. I've attached copies of invoices from USAC dated January 4, 2007. On the invoices, Buzz Telecom, Corporation owes USAC \$2,869.55 due on February 2, 2007 and Business Options, Inc. owes USAC \$2,262.40 due on February 2, 2007.

The invoices were attached to a letter from USAC stating, "The Commission has determined that the outstanding debt, including presently accrued interest, administrative costs, and penalties owed is \$2,869.55" (\$2,262.40 for Business Options, Inc.).

I am not through much of the paperwork that I had staff members handling before I had to terminate their employment. I can forward other USF data as it arises.

3. The last TRS contribution invoices I could locate were from August and September of 2005. The amounts were \$2.27 and \$2.28 respectively and both were paid.

4. To my knowledge, all TRS payments due at the date of the Consent Decree have been paid.

5. To my knowledge, the past due Universal Service charges as set forth in the Consent Decree totaling \$772,659.56 has been completely satisfied.

6. The voluntary contribution of \$510,000 has not been completely satisfied.

6a. May 15, 2004 through July 15<sup>th</sup> 2005 were paid. August 15, 2005 to present have not been paid.

6b. Per my records, \$160,500 has been paid and \$192,600 is past due.

6c. After the negotiations were concluded between BOS and the FCC, my attorney filed suit against BOS for non-payment. Although their initial quote to represent BOS was \$25,000, which I had agreed to, the length of the representation including depositions in Indiana increased their fees substantially. BOS paid over a quarter of a million dollars to our attorneys, 10X the initial quote, but still had a ½ million dollar balance. Defending BOS again against one of the largest attorney firms in New York took time and money.

At the same time the FCC and then our attorneys were suing BOS, the Equal Employment Opportunity Commission, a different branch of the Federal Government, filed a sexual harassment suit against BOS stating a sales manager had harassed four telemarketers. The case lasted three years and went to a full jury trial. After two weeks of testimony, the jury returned from deliberation almost immediately voting unanimously in our favor. However, the cost to defend BOS against the EEOC and its enormous staff and resources, was over \$500,000 and many, many hours of investigation, coordination and preparation.

Defending ourselves against the FCC, our attorneys, and the EEOC depleted our operating expenses and more than that, continually took attention away from expanding, or at least maintaining, the telecom customer billing base.

Our customer base shrunk from nearly 50,000 customers to less than 15,000 customers. There was no longer enough working capital to pay all obligations made. I know this is a long-winded answer, but it is what occurred and the reason we ended up short on working capital and not paying the voluntary contribution.

7. BOS established an excellent code of conduct that conformed to the consent decree.

7a. Three copies of the Code of Conduct are attached as it was updated.

7b. The code itself has a place for the reader to sign as an attestation of their full understanding.

7c. Kurtis and Keanan Kintzel were responsible for developing and drafting the code of conduct. The Code of Conduct was presented to prospective employees for signatures at the time of hire, along with their employment contract. The Director of Personnel was the person responsible for ensuring that new and existing sales representatives had viewed and acknowledged by means of a signature the Code of Conduct.

All Sales Representatives were required to read, understand and sign this Code of Conduct prior to starting their job. To the best of my knowledge, this was done in every case.

7d. I have attached copies for three sales representatives reaffirmations. Each of the three representatives I chose to include worked at BOS from before the Consent Decree was signed so you can see that this Code of Conduct was renewed. After the EEOC suit concluded, we cleaned all personnel files of items that were not legally mandated and there was no agreement in the Consent Decree to keep copies of these reaffirmations so the latest reaffirmations, summer of 2006 and possibly winter of 2005, are attached. Our Regulatory Department was to do this action every six months.

8. BOS established written policies concerning the national "Do Not Call" list.

8a. Copies of the Policies and procedures are identified and attached. These policies were distributed to each employee that worked for BOS at the time they were created and then became part of the initial sales representative training for new hires.

8b. Customer names were put into a database and the submission slips were not retained. BOS stopped all marketing efforts to new customers in September of 2006. I do not know where or if the database is stored. To my knowledge, BOS has never had a legal complaint for calling someone on the Do Not Call list thus nor do I know of any regulation stating the database or list has to be retained if no new marketing is being done.

9. BOS previously sent to the FCC the recorded verifications on the nine complaints being requested. BOS no longer has an account with the verification company and has been prohibited by it from retrieving these verifications a second time.

9a. A copy of the verification contracts between BOS and The Verification Company and BOS and Voice Log are identified and attached.

9b. Verification scripts are attached.

9c. The fully executed contracts between BOS and the verification companies are the documents reflecting instructions to the verification companies. The contracts are attached.

9d. The verification scripts are attached and based upon applicable rules and regulations. In fact, one representative of Voice Log told me that our verification script is the longest he had ever seen. Additionally, the verification companies are two of the largest in the industry and describe themselves as experienced and expert in their knowledge and ability to perform their specific duties.

9e. The contracts between The Verification Company and Buzz Telecom and Voice Log and Buzz Telecom list addresses. Buzz Telecom Corporation is located in Merrillville,

Indiana and all its employed representatives work out of Merrillville, Indiana. In the spring of 2006, Buzz began utilizing Telecommunications on Demand, Inc. to assist in its marketing efforts. TOD utilized three call centers in the Orlando area of Florida, one in Las Vegas and one in Ohio. The Verification Company is located in the Tampa area of Florida and all of their verification representatives work out of their headquarters. Voice Log lists Maryland as their corporate headquarters in the contract. I've never been to the Voice Log offices and have no idea where their representatives are physically located, but attest that neither they nor any representative from The Verification Company is working out of my office.

10. There were no complaints attached to the letter I received by fax from Mr. Harkrader. All verifications for the past few years have been done by either The Verification Company or Voice Log as described in 9-9e above. The Verification Company did approximately 99% of the verifications for BOS.

11. A list of complaints received by BOS since May 1, 2006 is being compiled and will be forwarded. The verifications scripts and sales scripts are attached. Nearly all complaints originated from the independently contracted marketing firm. The penalty to the sales representatives in the contracted firm were 1) TOD, the company itself, was ordered to cease and desist from marketing for BOS and a bit later 2) the TOD contract with BOS was terminated.

As to the verification companies, their locations, etc. my response is the same as 9-9e above.

12. The sales script used is attached. I did not locate our oldest script, but did attach the verification script from the older sales script.

13. BOS purchased a lead base of all residential customers located in the United States. Billing Concepts supplied BOS with a database of numbers that they could not LEC bill. BOS added to this database numbers from the national, state, and company Do Not Call lists. The leads base was scrubbed against the do not call database to provide a national list of residential customers that could be called. Approximately 300 leads per day per representative from this list were then printed and given to sales representatives to be called.

13a. If a telephone number was not on a Do Not Call list and could be LEC billed, it would be printed out for sales representatives to call. There were no other criteria to select persons to call.

13b. No target marketing has ever been done. We've never bought lists of selected groups, ages, organizations, etc. At one time, we did give senior citizens an additional 10% discount, similar to Denny's Restaurant or the movie theaters. We did not target seniors, but offered this discount if they stated that they were a senior citizen. To the detriment of the consumers, two states accused BOS of targeting seniors so we stopped giving seniors a 10% discount.

14. In the spring of 2006, BOS began using Telecommunications on Demand, Inc. ("TOD") to generate new customers for the Buzz Telecom network. TOD utilized five call centers, sub-agents of TOD. *As I'm sure your records indicate, we have had virtually no FCC or state inquiries over the past four years and the increase of inquiries started when we began out sourcing our marketing of new customers.* Also in the spring of 2006, we reduced our in-house sales staff by 80%.

14a. The contract between Buzz Telecom and TOD is attached.

14b. They were to use the same sales scripts as BOS. All customers generated by TOD were put through the same verification procedures as were established for BOS sales representatives, by the same verification companies and BOS paid for the verifications to be done.

15. Until October of 2006, BOS utilized LEC billing to bill nearly all of its customers and never had the ability to insert promotional materials into the LEC bills. Prior to October 2006, I recall doing only one bill inserts for a nutritional product to the small group of direct billed customers we did have. Since we did not get any responses, we ceased doing the promotion after a month or so. I do not have a copy of this particular promotion.

In October of 2006, we began direct billing our entire customer base. The following notices and promotions are attached: 1) October notice to customers that we were switching to direct bill from LEC bill, 2) holiday letter written by Keanan Kintzel sent in the November invoice to customers announcing we were lowering all of their intrastate rates from 13.9 cpm to 8.9 cpm, a 40% reduction in their rates, 3) \$100 free long distance gift certificate for those that stayed with our firm for 12 months continuously and paid their bill on time each month. This was to go out in the November invoice, but the company that did our mailing forgot to insert the certificate. I believe the certificates were put on an auto responder for those customers that emailed us and would have been sent out with the December invoices had our customers not been disconnected.

Lastly and as an update to you, I have sent letters from Business Options, Inc. and Buzz Telecom, Corporation to each state's Secretary of State asking for them to cancel our right to transact business in their state and to each state's Public Utility Commission requesting our certificates to resell long distance service be cancelled. We're done.

Respectfully Submitted,

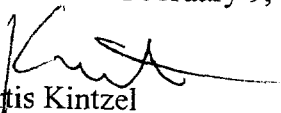
Kurtis Kintzel, President  
Business Options, Inc.  
Buzz Telecom, Corporation

## ATTACHMENT D

Late Filed

I declare under penalty of perjury that the information submitted to the Federal Communications Commissions in response to a Letter of Inquiry date December 20, 2006 regarding Buzz Telecom, Corporation is true and correct.

Executed on February 9, 2007.

  
Kurtis Kintzel  
Buzz Telecom, Corporation

## ATTACHMENT E



## Brian Hendricks

---

**From:** Brian Hendricks  
**Sent:** Tuesday, January 30, 2007 12:31 PM  
**To:** 'kjkintzel@hotmail.com'  
**Subject:** Follow up to Commission's December 20, 2006 Letter of Inquiry

**Importance:** High  
**Sensitivity:** Confidential

**Attachments:** LOI-Dec 20\_Final.doc; Scan001.PDF; 47 C.F.R. 1.16.htm

Mr. Kintzel,

We are in receipt of your response and attachments to our Letter of Inquiry of December 20, 2006. In your response you noted that the letter arrived without the attached complaints referenced in inquiry #10. I apologize if those complaints were mistakenly omitted.

I have attached an electronic version of those 10 complaints, received by the Commission, and referenced in inquiry #10. To refresh your recollection, I have included an electronic copy of our December letter.

Please provide a supplementary response providing the information in inquiry #10 within 15 days (by close of business Wednesday February 14, 2007).

Please note as well that your response to the December 20, 2006 Letter of Inquiry did not include an affidavit or declaration under penalty of perjury as directed. Specifically, the December 20, 2006 letter provides:

We direct the Company to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Company with personal knowledge of the representations provided in the Company's response, verifying the truth and accuracy of the information therein and that all of the information and/or documents requested by this letter which are in the Company's possession, custody, control or knowledge have been produced. If multiple Company employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of the Company noted above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with section 1.16 of the Commission's rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein.

Provide a declaration (see attachment for requirements of 47 C.F.R.) for the information submitted with your response to the December 20 letter and also an additional declaration for the responses that you provide to this follow-up. These must be signed and dated and include the language noted in the 47 C.F.R. 1.16 attachment at paragraph (2).

I will follow this email with a phone call to confirm your receipt.

Regards

Brian M. Hendricks



LOI-Dec  
Final.doc (132 KB)



Scan001.PDF (1 MB) 47 C.F.R. 1.16.htm  
(6 KB)



**Brian M. Hendricks**

Attorney Advisor

Federal Communications Commission

Enforcement Bureau--Investigations & Hearings Division

445 12th Street, S.W., Room 4-A327

Washington, D.C. 20554

(202)-418-1336- *Direct Dial*

(202)-418-2080- *Fax*

## ATTACHMENT F

RE Follow up to Commission's December 20 2006 Letter of Inquiry  
From: Kurtis Kintzel [kjkintzel@hotmail.com]  
Sent: Wednesday, January 31, 2007 12:10 PM  
To: Brian Hendricks  
Subject: RE: Follow up to Commission's December 20, 2006 Letter of Inquiry

Hi Mr. Hendricks,

I received your email and the attachment with the inquiries. We'll research the customers and provide you with the data that we have.

Also, I will get an affidavit put together and forwarded. It wasn't left out intentionally.

Take Care,  
Kurtis Kintzel

>From: "Brian Hendricks" <Brian.Hendricks@fcc.gov>  
>To: <kjkintzel@hotmail.com>  
>Subject: Follow up to Commission's December 20, 2006 Letter of Inquiry  
>Date: Tue, 30 Jan 2007 12:31:11 -0500  
>  
>Mr. Kintzel,  
>  
>We are in receipt of your response and attachments to our Letter of  
>Inquiry of December 20, 2006. In your response you noted that the  
>letter arrived without the attached complaints referenced in inquiry  
>#10. I apologize if those complaints were mistakenly omitted.  
>  
>I have attached an electronic version of those 10 complaints, received  
>by the Commission, and referenced in inquiry #10. To refresh your  
>recollection, I have included an electronic copy of our December letter.  
>  
>Please provide a supplementary response providing the information in  
>inquiry #10 within 15 days (by close of business Wednesday February 14,  
>2007).  
>  
>Please note as well that your response to the December 20, 2006 Letter  
>of Inquiry did not include an affidavit or declaration under penalty of  
>perjury as directed. Specifically, the December 20, 2006 letter provides:  
>  
>      We direct the Company to support its responses with an affidavit or  
>declaration under penalty of perjury, signed and dated by an authorized  
>officer of the Company with personal knowledge of the representations  
>provided in the Company's response, verifying the truth and accuracy of  
>the information therein and that all of the information and/or documents  
>requested by this letter which are in the Company's possession, custody,  
>control or knowledge have been produced. If multiple Company employees  
>contribute to the response, in addition to such general affidavit or  
>declaration of the authorized officer of the Company noted above, if such  
>officer (or any other affiant or declarant) is relying on the personal  
>knowledge of any other individual, rather than his or her own knowledge,  
>provide separate affidavits or declarations of each such individual with  
>personal knowledge that identify clearly to which responses the affiant or  
>declarant with such personal knowledge is attesting. All such declarations  
>provided must comply with section 1.16 of the Commission's rules, 47  
>C.F.R. § 1.16, and be substantially in the form set forth therein.  
>  
>Provide a declaration (see attachment for requirements of 47 C.F.R.)  
>for the information submitted with your response to the December 20

RE Follow up to Commission's December 20 2006 Letter of Inquiry  
>letter and also an additional declaration for the responses that you  
>provide to this follow-up. These must be signed and dated and include  
>the language noted in the 47 C.F.R. 1.16 attachment at paragraph (2).

>  
> I will follow this email with a phone call to confirm your receipt.

>  
>Regards

>  
>Brian M. Hendricks

>  
> <<LOI-Dec 20\_Final.doc>> <<Scan001.PDF>> <<47 C.F.R. 1.16.htm>>

>  
>  
>Brian M. Hendricks  
>Attorney Advisor  
>Federal Communications Commission  
>Enforcement Bureau--Investigations & Hearings Division  
>445 12th Street, S.W., Room 4-A327  
>Washington, D.C. 20554  
>(202)-418-1336- Direct Dial  
>(202)-418-2080- Fax  
>

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><< Scan001.PDF >>

><< 47C.F.R.1.16.htm >>

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From predictions to trailers, check out the MSN Entertainment Guide to the Academy Awards®  
<http://movies.msn.com/movies/oscars2007/?icid=ncoscartagline1>

ATTACHMENT G

RE Follow up to Commission's December 20 2006 Letter of Inquiry\_2  
From: Kurtis Kintzel [kjkintzel@hotmail.com]  
Sent: Friday, February 09, 2007 11:15 AM  
To: Brian Hendricks  
Subject: RE: Follow up to Commission's December 20, 2006 Letter of Inquiry

Hi Mr. Hendricks,

I have created, signed and sent the requested declaration to you.

I am still waiting on the verification tapes from The Verification Company, but expect them today or Monday and hope to have them to you by Wednesday February 14.

Additionally, I've recently spent three days in Ohio working with the PUC and I'm in communication with any of the other states that had an upset with Buzz.

Take Care,  
Kurtis

>From: "Brian Hendricks" <Brian.Hendricks@fcc.gov>  
>To: "Kurtis Kintzel" <kjkintzel@hotmail.com>  
>Subject: RE: Follow up to Commission's December 20, 2006 Letter of Inquiry  
>Date: Wed, 31 Jan 2007 13:41:53 -0500  
>  
>Kurtis,  
>  
>Thank you for acknowledging receipt. Since you indicated you replied  
>without counsel, I provided the code section dictating the form of the  
>declarations to guide you. I did not believe it to be an intentional  
>omission, which is why I asked for it in the follow-up.  
>  
>Please let me know if you have further questions or clarifications  
>associated with the follow-up request.  
>  
>Brian  
>  
>  
>Brian M. Hendricks  
>Attorney Advisor  
>Federal Communications Commission  
>Enforcement Bureau--Investigations & Hearings Division  
>445 12th Street, S.W., Room 4-A327  
>Washington, D.C. 20554  
>(202)-418-1336- Direct Dial  
>(202)-418-2080- Fax  
>  
>-----Original Message-----  
>From: Kurtis Kintzel [mailto:kjkintzel@hotmail.com]  
>Sent: Wednesday, January 31, 2007 12:10 PM  
>To: Brian Hendricks  
>Subject: RE: Follow up to Commission's December 20, 2006 Letter of Inquiry  
>  
>  
>Hi Mr. Hendricks,  
>  
>I received your email and the attachment with the inquiries. we'll  
>research the customers and provide you with the data that we have.  
>

RE Follow up to Commission's December 20 2006 Letter of Inquiry\_2  
>Also, I will get an affidavit put together and forwarded. It wasn't  
>left out intentionally.

>  
>Take Care,  
>Kurtis Kintzel

>  
>  
>  
>>From: "Brian Hendricks" <Brian.Hendricks@fcc.gov>  
>>To: <kjkintzel@hotmail.com>  
>>Subject: Follow up to Commission's December 20, 2006 Letter of  
>>Inquiry  
>>Date: Tue, 30 Jan 2007 12:31:11 -0500

>>  
>>Mr. Kintzel,  
>>  
>>We are in receipt of your response and attachments to our Letter of  
>>Inquiry of December 20, 2006. In your response you noted that the  
>>letter arrived without the attached complaints referenced in inquiry  
>>#10. I apologize if those complaints were mistakenly omitted.  
>>  
>>I have attached an electronic version of those 10 complaints,  
>>received by the Commission, and referenced in inquiry #10. To refresh  
>>your recollection, I have included an electronic copy of our December letter.

>>  
>>Please provide a supplementary response providing the information in  
>>inquiry #10 within 15 days (by close of business Wednesday February  
>>14, 2007).  
>>  
>>Please note as well that your response to the December 20, 2006  
>>Letter of Inquiry did not include an affidavit or declaration under  
>>penalty of perjury as directed. Specifically, the December 20, 2006 letter  
provides:

>>  
>>We direct the Company to support its responses with an affidavit or  
>>declaration under penalty of perjury, signed and dated by an authorized  
>>officer of the Company with personal knowledge of the representations  
>>provided in the Company's response, verifying the truth and accuracy of  
>>the information therein and that all of the information and/or documents  
>>requested by this letter which are in the Company's possession, custody,  
>>control or knowledge have been produced. If multiple Company employees  
>>contribute to the response, in addition to such general affidavit or  
>>declaration of the authorized officer of the Company noted above, if  
>such  
>>officer (or any other affiant or declarant) is relying on the personal  
>>knowledge of any other individual, rather than his or her own knowledge,  
>>provide separate affidavits or declarations of each such individual with  
>>personal knowledge that identify clearly to which responses the affiant  
>or  
>>declarant with such personal knowledge is attesting. All such  
>declarations  
>>provided must comply with section 1.16 of the Commission's rules, 47  
>>C.F.R. § 1.16, and be substantially in the form set forth therein.

>>  
>>Provide a declaration (see attachment for requirements of 47 C.F.R.)  
>>for the information submitted with your response to the December 20  
>>letter and also an additional declaration for the responses that you  
>>provide to this follow-up. These must be signed and dated and include  
>>the language noted in the 47 C.F.R. 1.16 attachment at paragraph (2).

>>  
>>I will follow this email with a phone call to confirm your receipt.

>>  
>>Regards



RE Follow up to Commission's December 20 2006 Letter of Inquiry\_2

> >  
> > Brian M. Hendricks  
> >  
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> >  
> > Brian M. Hendricks  
> > Attorney Advisor  
> > Federal Communications Commission  
> > Enforcement Bureau--Investigations & Hearings Division  
> > 445 12th Street, S.W., Room 4-A327  
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[http://clk.atdmt.com/MSN/go/msnnkwsp0070000001msn/direct/01/?href=http://spaces.live.com/spacesapi.aspx?wx\\_action=create&wx\\_url=/friends.aspx&mkt=en-us](http://clk.atdmt.com/MSN/go/msnnkwsp0070000001msn/direct/01/?href=http://spaces.live.com/spacesapi.aspx?wx_action=create&wx_url=/friends.aspx&mkt=en-us)

**CERTIFICATE OF SERVICE**

Rebecca Lockhart, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 31st day of October, 2007, sent by first class United States mail copies of the foregoing **Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents to Kurtis J. Kintzel** to:

Catherine Park, Esq.  
2300 M Street, NW, Suite 800  
Washington, D.C. 20037

Counsel for You, Keanan Kintzel, Business Options, Inc., Buzz Telecom Corporation, US Bell, Inc., Link Technologies and Avatar Enterprises

A copy of the foregoing was also served via hand-delivery to:

Administrative Law Judge Richard L. Sippel  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C861  
Washington, D.C. 20054

  
\_\_\_\_\_  
Rebecca Lockhart